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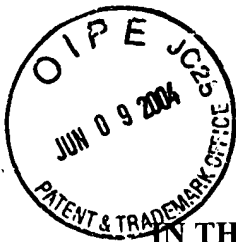
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2817

Examiner: Unassigned

In re PATENT APPLICATION of

Applicant : Kazushige NOGUCHI et al.

Appl. No. : 10/668,379

Filed : September 24, 2003

For : SURFACE ACOUSTIC WAVE FILTER
WITH ATTENUATION POLES

Atty. Dkt. : OKI 377

**PETITION UNDER
37 CFR 1.47(a)**

June 9, 2004

Mail Stop Petitions

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

This Petition is filed because one of the four joint inventors, Mr. Satoshi Terada, refuses to sign an inventor declaration being submitted with the subject patent application.

As permitted under 37 CFR 1.47(a) and 35 USC 116, second paragraph, all available joint inventors are filing the application "on behalf of" themselves and on behalf of a joint inventor who refuses to "join in an application," where the signature block of the nonsigning inventor is left blank in the declaration. In this regard, it is noted that a declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

As required, attached is a statement by a person with first-hand knowledge of the facts supporting this Petition, Mr. Fumitaka Yokoyama, General Manager, Legal & Intellectual Property Division, Oki Electric Industry Company, Ltd.

06/10/2004 GWORDDF1 00000039 10668379

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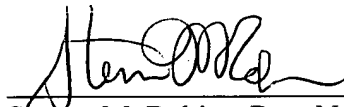
FEE ENCLOSED: \$25.00 -
Please charge any further
fee to our Deposit Account
No. 18-0002

1. The last known address of the nonsigning joint inventor, Mr. Satoshi TERADA, is 5-18-36 Konandai, Konan-ku, Yokohama-shi, KANAGAWA, 234-0054, Japan.
2. Mr. Terada resigned from the assignee company Oki Electric Industry Company, Ltd. on May 31, 2003, as evidenced by the attached certificate of resignation (Exhibit A1) and an English translation thereof (Exhibit A2).
3. A *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature on or about January 23, 2004. In particular, a copy of the application papers was sent via an express delivery company to the last and only known address (residential address) of the nonsigning inventor. This is evidenced by the attached shipping receipt (Exhibit B) and a copy of the cover letter (Exhibit C1) dated January 20, 2004 to Mr. Terada (and an English translation thereof (Exhibit C2)), enclosing a copy of all of the application papers, and asking that he sign the declaration and assignment and return them to the sender.
4. It is the policy of the courier delivery company to obtain the signature of the recipient before releasing a package, and on failing to obtain such signature to return the package to the sender, together with a "non-delivery certification," which was not transmitted to the sender in this case. It therefore is deemed to be clear that the package was delivered to and accepted by Mr. Terada on or about January 23, 2004.
5. No signed document or written refusal to sign has been received by the sender. It has been almost four months since the request to sign the declaration was received by Mr. Terada, and no response has been received. Therefore, applicants have concluded that Mr. Terada refuses to sign.

On the basis of the above, Mr. Yokoyama concludes that Mr. Terada refuses to sign
PETITION UNDER 10/668,379
37 CFR 1.47(a)

the inventor declaration. In view of the above, it is submitted that all applicable requirements of 37 CFR 1.47(a) have been satisfied. Therefore the petition should be granted and the application should be accepted and examined. A petition fee of \$130, a basis application filing fee of \$770, and a four-month extension of time fee of \$1,480 are submitted herewith by way of a Credit Card PTO 2038. Should no credit card be attached or if any additional fee be required, please charge the required fee or deficiency to our Deposit Account No. 18-0002 and advise us accordingly.

Respectfully submitted,



Steven M. Rabin - Reg. No. 29,102

RABIN & BERDO, P.C.

Telephone: (202) 371-8976

Telefax: (202) 408-0924

CUSTOMER NO. 23995

June 9, 2004

Date

SMR:pjl



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Examiner: Unassigned

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)
)
) **STATEMENT OF FACTS**
) **SUPPORTING PETITION**
) **UNDER 37 CFR 1.47(a)**
)
)
)
) _____

Mail Stop Petitions

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This statement of facts is in support of applicants' petition to for acceptance of applicants' inventor declaration for the subject patent application, wherein one of the four joint inventors, Mr. Satoshi Terada, refuses to sign the inventor declaration and his signature and the remaining joint inventors are signing in his behalf.

As the general manager of the patent department of Oki Electric Industry Company, Ltd., the employer of Mr. Terada at the time the invention was made, I have first hand knowledge of the facts presented below.

The last known address of the nonsigning joint inventor, Mr. Satoshi Terada, is 5-18-36 Konandai, Konan-ku, Yokohama-shi, Kanagawa, 234-0054, Japan

Mr. Terada resigned from the Oki Electric Industry Company, Ltd. on May 31, 2003, as evidenced by the attached certificate of resignation (Exhibit A1) and an English translation thereof (Exhibit A2).

A *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature on or about January 23, 2004. In particular, a copy of the application papers was sent via an express delivery company to the last and only known address (residential address) of the nonsigning inventor. This is evidenced by the attached shipping receipt (Exhibit B) and a copy of the cover letter (Exhibit C1) dated January 20, 2004 to Mr. Terada (and an English translation thereof (Exhibit C2)), enclosing a copy of all of the

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Please charge any further
fee to our Deposit Account
No. 18-0002

application papers, and asking that he sign the declaration and assignment and return them to the sender.

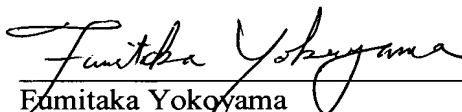
It is the policy of the courier delivery company to obtain the signature of the recipient before releasing a package, and on failing to obtain such signature to return the package to the sender, together with a "non-delivery certification," which was not transmitted to the sender in this case. It therefore is deemed to be clear that the package was delivered to and accepted by Mr. Terada on or about January 23, 2004.

No signed document or written refusal to sign has been received by the sender. It has been over four months since the request to sign the declaration was received by Mr. Terada, and no response has been received. Therefore, I have concluded that Mr. Terada refuses to sign.

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

June 4, 2004

Date



Fumitaka Yokoyama

General Manager

Legal & Intellectual Property Division

Ok Electric Industry Company, Ltd.

STATEMENT OF FACTS
IN SUPPORT OF PETITION
UNDER 37 CFR 1.47(a)

(10/668,379)

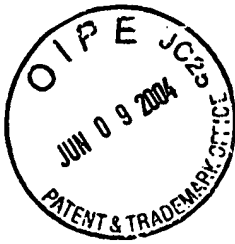


Exhibit A1

04沖Si総総証第22号

退職証明書

氏 名 寺田 智

入社年月日 1992年 4月 1日

勤続年数 11年 2ヶ月

上記の者は、2003年5月31日をもって沖電気工業株式会社を退職したことを証明致します。

2004年 5月 6日

東京都八王子市東浅川町550番地1
沖電気工業株式会社
シリコンソリューションカンパニー総務部
総務チーム 片山 洋徳



Exhibit AZ

04 OKI Si publication number 22

Resignation Certification

NEME: Satoshi TERADA

Date of joining OKI : April 1, 1992

Length of service: 11 years and 2 months

I hereby certify that the above-identified employee has been resigned from
Oki Electric Industry Co., Ltd. On May 31, 2003.

May 6, 2004

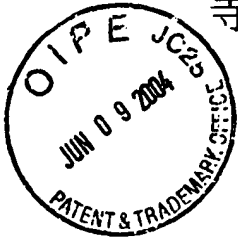
Hironori KATAYAMA
Manager, General affairs department
Silicon Solution Company
Oki Electric Industry Co., Ltd.
550-1 Higashi Asakawa-cho, Hachioji-shi, Tokyo

A circular black ink stamp from the Office of Intellectual Property (OIP). The text "OIP E" is curved along the top inner edge, and "JC2b" is at the top right. The date "JUN 09 2004" is stamped in the center. The words "PATENT & TRADEMARK OFFICE" are curved along the bottom inner edge.

[illegible]

OKI CONFIDENTIAL

2004年1月20日



寺田 智 様

沖電気工業株式会社

法務・知的財産部

特許担当 課長 高島 誠

(扱い 国江)

〒108-8551 東京都港区芝浦 4-10-3

TEL: (03) 3455-3039 FAX: (03) 3798-7246

発明者サインのお願い

弊社整理番号：F-00ED0278-US-ED

拝啓 時下いよいよご清祥のこととお喜び申し上げます。

貴殿ご発明、米国仮出願 60/441,354 号につきまして、この度本出願されました。

ご多忙のところ誠に恐縮ですが、下記に従いまして添付書類への署名および回答をしていただきますようお願い申し上げます。

また、米国特許庁への提出期限がございますので、署名後の書類につきましては 2004年 1月 30日 (金) までにご返送願います。

敬具

記

- サインして頂く書類は Declaration および Assignment、秘密保持誓約書の3種類です。各書類の内容をご理解の上サイン願います。
尚、それぞれサイン個所には付箋が張っております。
- Declaration および Assignment に関するサイン方法につきましては、添付の「原稿チェック／英文サインのお願い」を参考にしてください。
- 送付書類はすべてご返送願います。

以上

添付書類：

- | | |
|------------------------------|-------|
| ① 秘密保持誓約書 | 1 部 |
| ② Declaration および Assignment | 各 1 部 |
| ③ 出願英文明細書および図面 | 各 1 部 |
| ④ 下記に示す「発明者サインのお願い」に関する依頼書一式 | 各 1 部 |
| ・ 発明者サインのお願い (本状) | |
| ・ 原稿チェック／英文サインのお願い | |

OKI CONFIDENTIAL

January 20, 2004

Dear Mr. Satoshi TERADA

Oki Electric Industry CO.,Ltd.
Legal & Intellectual Property Division
From Kunie on behalf of Makoto TAKASHIMA, Manager
4-10-3 Shibaura Minato-ku, Tokyo 108-8551
TEL: (03) 3455-3039 FAX: (03) 3798-7246

Request for Inventor's signature

Our reference number : F-00ED0278-US-ED

Dear Sirs,

We are pleased to announce that the U.S. Provisional application 60/441,135 of your invention has been filed as the non-provisional application.

We would like to sign your signature to attached documents in accordance with the followings.

Also, we would like to return the executed documents by January 30, 2004 because of the due date of the USPTO.

NOTE

- # The documents to sign your signature are a Declaration, an Assignment and a secrecy agreement. Before signing, please understand the details of each document.
- # As to the Description of a means for sing the Declaration and the Assignment, please refer to an attached instruction of "Request for reviewing the application and signing your signature."
- # Please return all the documents we have forwarded.

Attachments:

1. secrecy agreement
2. Declaration and Assignment forms
3. the Draft English Specification and Drawings for patent application
4. Documentation for Request letters including
 - A letter for Request for Inventor's signature(this letter)
 - A letter for Request for reviewing the application and signing your signature